

Label: "OSMRE-2018-00104"

Created by:ldavis@osmre.gov

Total Messages in label:261 (99 conversations)

Created: 06-27-2018 at 14:24 PM

Conversation Contents

Fwd: Requested Documents from Collection

Attachments:

/49. Fwd: Requested Documents from Collection/1.1 Documents.zip

"Daniels, Joseph" <joseph_daniels@ios.doi.gov>

From: "Daniels, Joseph" <joseph_daniels@ios.doi.gov>
Sent: Fri Sep 01 2017 14:03:11 GMT-0600 (MDT)
To: Landon Davis <ldavis@osmre.gov>
CC: Steven Hunt <steven_hunt@ios.doi.gov>, Kurtis McDowell <kurtis_mcdowell@ios.doi.gov>
Subject: Fwd: Requested Documents from Collection
Attachments: Documents.zip

----- Forwarded message -----

From: **Daniels, Joseph** <joseph_daniels@ios.doi.gov>
Date: Fri, Sep 1, 2017 at 4:02 PM
Subject: Requested Documents from Collection
To: Joseph Daniels <joseph_daniels@ios.doi.gov>

Hi Mr. Davis,

Your requested documents from your OS laptop collection are zipped and attached. The Downloads folder was too large so it has been sent as a Google Drive shared folder.

 [Downloads.zip](#)

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Best Regards,

Joseph Daniels
Desktop Support Analyst (Contractor - NuAxis Innovations)
End User Services Division - Desktop & Peripherals Support
Office of the Chief Information Officer
US Department of the Interior
Work Phone: 202-208-4452 Cell Phone: 571-499-2439
joseph_daniels@ios.doi.gov
www.DOI.gov/OCIO

--

Best Regards,

Joseph Daniels

Desktop Support Analyst (Contractor - NuAxis Innovations)

End User Services Division - Desktop & Peripherals Support

Office of the Chief Information Officer

US Department of the Interior

Work Phone: 202-208-4452 Cell Phone: 571-499-2439

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Purpose:

The following has been provided by West Virginia Department of Environmental Protection (DEP) as documentation supporting their conclusion that Director Pizarchik's July 27, 2016 memo will effectively have the same effect as the Stream Protection Rule and is a back door effort to implementing the SPR.

West Virginia DEP believes that, as to the relationship of the CWA and SMCRA, the directives detailed in the memorandum are an attempt to implement applicable provisions of the SPR now before the rule is final and that the manipulation of the scenarios laid out in the directives with existing laws and regulations is definitely an attempt to do it through the back door. Note, there are numerous other parts to the SPR that do not relate directly to the CWA and the memo and are not addressed here, but a large portion duplicates and definitely overlaps the CWA requirements.

As documentation, West Virginia DEP provided the following language from six of the memo's directives and provided detail of how this language links directly to the SPR or is tied to the language of the SPR as support for implementation. Also, it is important to note that the existing regulatory framework provides only vague support for many of the "assumptions" of authority detailed in the memo.

SMCRA Enforcement Directives:

1. "Discharges from areas disturbed by mining activity must comply with all applicable state and Federal water quality laws and regulations and within effluent limitations in force at each respective outfall. Discharges in violation of these standards are violations of SMCRA regulations in accordance with 30 C.F.R. §§ 816.42 and 817.42, or the approved, mandatory state counterpart."

o *Language referring to each respective outfall is not in current SMCRA regulations; instead language refers to effluent limitations in 40 CFR part 434 and no mention of outfalls. However in SPR, OSM replaces reference to effluent limitations in 40 CFR part 434 with a reference to the effluent limitations established in the NPDES permit for the operation. Through*

this Directive OSM is enforcing the SPR prior to it being a final rule. Also, this leap is significant in incorporating CWA compliance/authority into SMCRA.

2. “A determination that a WQS violation exists is a violation of SMCRA regulations in accordance with 30 C.F.R. §§ 816.42 and 817.42, or the approved, mandatory state counterpart.”

○ *Directive 1’s conclusion that a violation exists at a respective outfall sets the stage for the enforcement of CWA violations by making a CWA Violation a SMCRA violation. This sets the stage for Directive 3 regarding material damage, which is a key component of the SPR.*

3. “If OSMRE is presented with reason to believe that a coal permittee is failing to comply with NPDES effluent limitations, meet applicable WQSs, evidence exists of adverse trends at water monitoring stations which could indicate and confirm a release of toxic mine drainage, or evidence exists of material damage to the hydrologic balance outside the SMCRA permit, then appropriate enforcement action (federal inspection or TDN) is required... If OSMRE becomes aware of several consecutive examples of self-reported noncompliance with NPDES permit effluent limitations (daily maximum or monthly average), then evaluation of the incidences will occur with appropriate enforcement action as required to ensure that the SMCRA mandated obligation to correct the non-compliances has occurred.”

○ *SMCRA’s existing regulations do not define “material damage to the hydrologic balance outside of the permit area” but the SPR’s definition is designed to protect all designated uses of surface water and all existing and reasonably foreseeable uses of surface water and groundwater outside the permit area and would mean any adverse impact from surface or underground mining operations on the quantity or quality of surface water and groundwater, or the biological condition of a perennial or intermittent stream, that would preclude any designated surface water use. Water quality standards are set by the state to protect a stream’s designated use and effluent limits are placed in NPDES permits at levels designed to protect such water quality standards which, in turn, protect the stream’s designated use. By focusing on violations of effluent limitations and material damage to the*

hydrologic balance outside the SMCRA permit in Directive 3, OSM is implementing the SPR's definition of material damage prior to it becoming a final rule.

4. “Any discharge from a SMCRA permit which has the potential to cause material damage to the hydrologic balance outside the permit area, a discharge of toxic mine drainage, a potential long-term discharge that does not meet NPDES permit effluent limitations or WQS, or any indication that the probable hydrologic consequences determination in the approved permit is no longer valid, requires appropriate enforcement action in order to prevent adverse impacts. Appropriate action may include modification of the hydrologic reclamation plan. In addition, if required, modifications of the reclamation plan result in an increased cost, the performance bond may be adjusted to reflect the additional costs.”

o Directive 3 set up the material damage threshold and OSM uses this scenario to require bond adjustments with no guidance on the type or requirements of such bond adjustments; however the SPR introduces specific bonding requirements and methodologies for such scenarios. Also, OSM has announced proposed rulemaking regarding self-bonds and SMCRA's bonding system. By requiring bond adjustments, with no guidance on how and why, for such a scenario, OSM is implementing the SPR prior to it becoming a final rule.

5. “Ensure, through appropriate oversight, that SMCRA permits are not issued where reclamation required by SMCRA is not feasible. Specifically, restoration of postmining land uses precludes any use that would pose any actual or probable threat of water pollution. Restoration of the land productivity and premining uses also includes restoration of pre-mining water resources. Therefore, in the event the probable hydrologic consequences determination or cumulative hydrologic impact assessment indicates coal mining operations are likely to result in long-term violations of state or federal WQS, or a long-term discharge of toxic mine drainage that may cause material damage outside the permit area, or the pre-mining water resources cannot be restored, the permit application must be modified to prevent such impacts. If permit modification is not feasible, then the permit application must be denied.

○ *The proposed definition for Material Damage acknowledges that the mere “possibility” of an acid or toxic discharge does not provide an adequate basis for permit denial. Instead, under the SPR, for a permit to be denied, there must be some probability of the formation of acid or toxic mine drainage that may continue after the completion of mining and land reclamation, and there must be a reasonable likelihood that the reclamation plan proposed by the applicant will not be capable of preventing the formation of that drainage. The language of Directive 5 is essentially a repeat of the SPR’s proposed definition for Material Damage so it is obvious that OSM is implementing the SPR before it is final.*

6. “Ensure through appropriate oversight, that discharges of pollution discovered during bond release inspections are properly addressed prior to authorizing bond release. The Federal regulations at 30 C.F.R. § 800.40(b)(1) require an evaluation of any surface or groundwater pollution that may be occurring at the time of bond release and a determination of the potential for such pollution to continue as well as the cost of correcting such pollution. This evaluation would include review of all violations of all applicable NPDES effluent limitations and WQS in effect at the time of bond release request, discharges of toxic mine drainage, and any discharge likely to cause material damage to the hydrologic balance. In the event the hydrologic reclamation plan cannot be modified and action taken to correct the cause of a pollutorial discharge, then the performance bond must be adjusted to address the cost of treating the discharge to reduce the toxic content, meet NPDES effluent limitations or WQS, and prevent material damage to the hydrologic balance outside the permit area.

○ *Directive 6 makes the leap that the amount of a SMCRA bond is designed for land reclamation and long-term treatment of water, if required. This requirement to treat water with bond proceeds is not in the current regulatory framework; instead OSM has attempted to implement this through policy and directives to the states. However, the SPR is specifically designed to require financial assurances to guarantee treatment of long term discharges and adding more specific criteria and procedures for bond release. For example, the SPR requires the permittee to operate and maintain water treatment facilities until the regulatory authority authorizes their removal based upon monitoring*

data demonstrating that influent to the facilities meets all applicable water standards and effluent limits without treatment. OSM's use of Directive 6 essentially implements the SPR's bonding requirements prior to the final rule.

As of 4.25.17

FA Budget Activity

PO/Award Num

Funds Center

Award

De-Obligation

Draw-downs

Balance

2015

Appalachian Region

(b)
(4),
(b) (5)

Mid-Continent Region

(b)
(4),
(b) (5)

Western Region

(b)
(4),
(b) (5)

2016

Appalachian Region

(b)
(4),
(b) (5)

Mid-Continent Region

(b)
(4),
(b) (5)

Western Region

(b)
(4),
(b) (5)

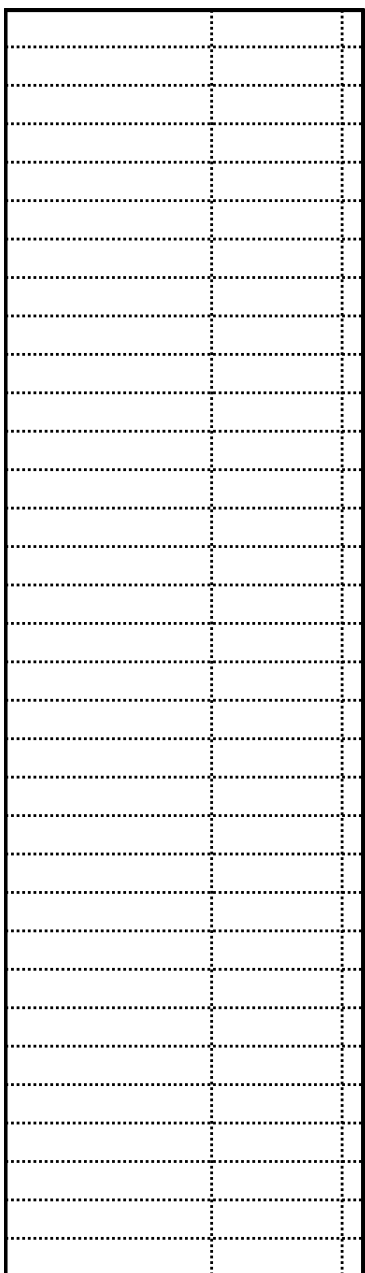
2017

Appalachian Region

(b)
(4),
(b) (5)

[illegible]

[illegible]



2016

S16AC20032(

b

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4

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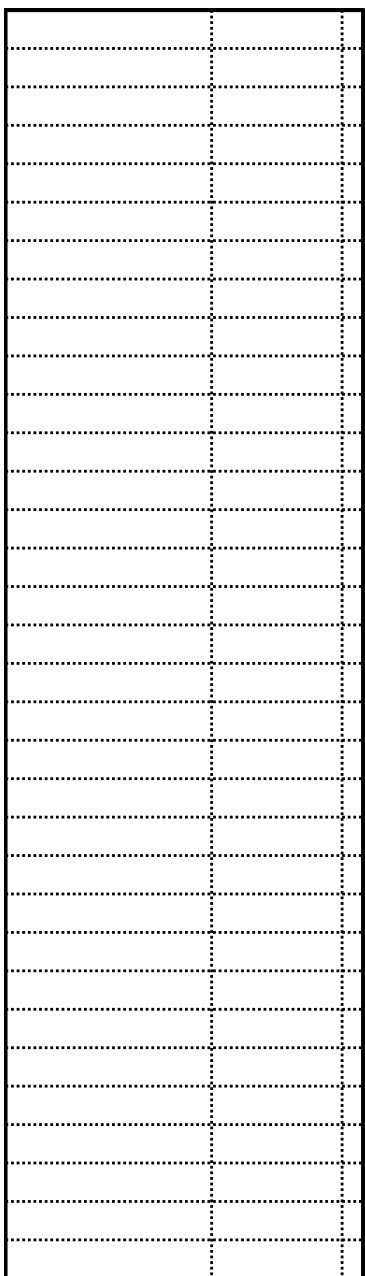
(

b



(

5



[illegible]

[illegible]

(5)

2017

(5)

[illegible]

Landon Tucker Davis

(b) (6)

Education:

Radford University, Radford, VA--May 2013
Bachelor of Science in **Journalism**

Work Experience:

58th Presidential Inaugural Committee Office of the Public Liaison
General Liaison/Diversity Outreach

Dec. 2016-Jan 2017
Salary: \$(b) (6)

Donald J. Trump for President, Inc.

Oct 2015- Novr 2016
Salary: \$(b) (6)

- **Virginia State Field Director**

Directed GOTV operations, direct mail, volunteer recruitment and public endorsements for the campaign which led to a resounding victory in the March 1 primary.

- **West Virginia State Director**

Recruited delegates for the Republican National Convention, implemented GOTV plan to elect delegates and secured a resounding victory for Mr. Trump in the May 10 primary. Secured the West Virginia Coal Association endorsement (the first endorsement made during a primary).

- **Virginia Deputy State Director**

Managed GOTV operations with grassroots activists/party officials as well as federal, state and local elected officials. Organized an energy policy roundtable with Mr. Trump and local coal operators/business owners.

Americans for Prosperity- Virginia

Regional Director

May 2015-Aug. 2015
Salary: \$(b) (6)

- Built grassroots relationships for the state chapter with political, business, media and community leaders.
- Mobilized and educated grassroots activists on issues within the organization's mission.
- Utilized activists to become involved in AFP volunteer phone banking, door-to-door canvassing, and neighborhood events on state-based policy initiatives.

Ed Gillespie for Senate

Regional Director

Jan. 2014-Nov. 2014
Salary: \$(b) (6)

- Directed get-out-the-vote and convention operations in Virginia's 5th, 6th and 9th Congressional Districts.
- Worked with state and local elected officials as well as congressional campaigns to implement GOTV strategy while meeting each region's own specific needs.
- Prepared and disseminated talking points to key leaders regarding relevant issues of the campaign.
- Represented candidate at various community events (Rotary clubs, chambers of commerce and trade associations).

**Nick Rush for Delegate
Campaign Manager**

May 2013-Nov. 2013
Salary: \$(b) (6)

- Performed day-to-day management of incumbent's House of Delegates campaign.
- Lead extensive mail program while directing campaign strategy with earned media and get-out-the-vote efforts.
- Developed and maintained relationships with donors and constituents.
- Drafted press releases for local and state media.
- Developed copy for collateral material and web content (brochures, direct mail, Facebook and Twitter).

**Faces of Coal/Count on Coal
Outreach Director**

June 2012- April 2013
Salary: \$(b) (6)

- Coordinated issue advocacy, earned media, event management, and coalition building.
- Represented organization at various trade shows and conferences.
- Worked to plan, organize and implement special events ranging from 2,000- 8,000 attendees.
- Maintained relationships with legislators, staff members, civic groups and business leaders.
- Coordinated volunteer operations for community events.
- Compiled data for funder reports, press packets and directed letters to the editor campaigns.

Clubs and Organizations:

Big Sandy Soil and Water Conservation Board, Director
Frederick Douglass Foundation
10th Amendment Foundation
Honorable Order of Kentucky Colonels
Appalachian Events Committee, Radford University
Republican Party of Buchanan County
Buchanan County Humane Society
Student Government Association, Southwest Virginia Community College

References:

(contact information available upon request)

Ed W. Gillespie
Rep. Morgan Griffith
Virginia State Sen. Bill Carrico
Virginia Delegate Todd Pillion
Virginia Delegate Chris Head
Virginia Delegate Nick Rush
Virginia Delegate Terry Kilgore
West Virginia State Sen. Mark Maynard
Jerry Mullins, Vice President, National Mining Association
Jerry W. Kilgore, Fmr. Attorney General of Virginia
Jim Bunn, Fmr. President West Virginia Coal Association
John K. Matney, Fmr. President Rapoca Coal Company
John Raese, President and CEO of Greer Industries
Petrina Jones, Fmr. Executive Director, FACES of Coal- Virginia
Terry Headly, Executive Director, American Coal Council
Sandy Liddy Bourne, General Manager, George Allen Strategies
Donnie Ratliff, Fmr. Vice President of External Affairs, Alpha Natural Resources
Danny Smith, Fmr. Senior Vice President of Energy and Property, Norfolk Southern
Harry Childress, President, Virginia Coal and Energy Alliance

The White House
Presidential Personnel Office
SKC/SES BIO SHEET

This information is necessary to begin the clearance process. Return to White House Liaison when completed.

PART I: PERSONAL INFORMATION (TO BE COMPLETED BY THE CANDIDATE)

1. FULL NAME (Last, First, Middle):

Landon Tucker Davis

2. SOCIAL SECURITY NUMBER:

(b) (6)

3. CURRENT RESIDENTIAL ADDRESS (Number, Street, City, State, ZIP Code)

(b) (6)

4. VOTING ADDRESS IN 2016 (Number, Street, City, State, ZIP Code, if different than current address)

(b) (6)

5. PLACE OF BIRTH (City, State; if not U.S., state, country)

(b) (6)

6. GENDER

Male

7. DATE OF BIRTH

(b) (6)

8. ETHNIC HERITAGE

(b) (6)

9. RACE

(b) (6)

10. POLITICAL PARTY

(b) (6)

11. HOME PHONE

(b) (6)

12. CELL PHONE

(b) (6)

13. WORK PHONE

14. PERSONAL EMAIL

(b) (6)

15. WORK EMAIL

landon_davis@ios.doi.gov

16. CURRENT POSITION (Title, Company)

Special Assistant to the Secretary, U.S. Department of the Interior

17. WORK ADDRESS (Number, Street, City, State, Zip)

1849 C Street, NW, Washington, DC, 20240

18. PLEASE LIST ALL SOCIAL MEDIA ACCOUNTS (Or say none if you have none)

(b) (6)

(b) (6)

19. EDUCATION (Degree, Institution, Year)

Bachelor of Science, Radford University, 2013

20. AWARDS

(b) (6)

21. MILITARY SERVICE (Rank, Branch, Years)

(b) (6)

22. PREVIOUS PRESIDENTIAL APPOINTMENTS

(b) (6)

PART II: POSITION INFORMATION (TO BE COMPLETED BY WHITE HOUSE LIAISON)

1. POSITION TITLE

2. AGENCY

2. APPOINTMENT TYPE

3. GRADE

4. OPM NUMBER

5. WH LIAISON NAME

6. WH LIAISON PHONE

7. WH LIAISON EMAIL

OSMRE Workload and Workforce Assessment

I. Overview of Region/Office: Western Region

The Western Region (WR) of the Office of Surface Mining Reclamation and Enforcement (OSMRE) is responsible for regulation and enforcement of surface coal mining operations and the reclamation of abandoned mine lands in the Western USA in accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In states with approved State Programs (Utah, Colorado, New Mexico, Wyoming, North Dakota, Alaska, Montana) the WR has responsibility for program oversight, program amendments, grant funding, and federal lands coordination / management (Section 503, SMCRA) . In Federal Program states (California, Oregon, Washington, South Dakota, Idaho and Arizona), the WR is the lead regulatory authority (Section 504, SMCRA) for permitting and enforcement and is responsible for abandoned mine reclamation. The WR also has responsibility for Indian lands (Navajo, Hopi, Crow, and Northern Cheyenne)(Section 710, SMCRA)) and actively assists the Navajo Nation, Crow, and Hopi Tribes in developing tribal regulatory programs. State Programs, Federal Programs and Indian land programs in the Western Region execute regulatory authority of over half the national coal production.

WR also serves as the central management and program analysis point to coordinate program and funding activities for the following programs: National Technical Innovation and Professional Services (TIPS); technology transfer support for the WR, states, tribes and OSMRE offices; information technology operations supporting the WR and TIPS; Geospatial Information Services (GIS) Services supporting GeoMine technologies and initiatives; and administrative support for TIPS and the WR.

The WR offices include the regional office in Denver, Colorado and four area offices in Casper (Wyoming), Albuquerque (New Mexico), Farmington (New Mexico) and Olympia (Washington).

II. Description of Overall Office Mission:

Office of the Regional Director

The Office of Regional Director is responsible for all OSMRE activity pursuant to both regulatory and abandoned mined land programs in the Western Region. Reporting to the Regional Director are Budget and Personnel, Equal Employment Opportunity, and three divisions: Program Support, Denver Field, and Technology Management.

Program Support Division

The Program Support Division (PSD) provides technical and management support to OSMRE's regulatory and abandoned mine lands programs within the WR, including states and tribes, and to OSMRE's field offices, OSMRE Headquarters, and other DOI bureaus and agencies. The PSD is organized into two branches, the Indian Programs Branch and Field Operations Branch, and an Inspection Team.

The Indian Program Branch administers the Indian Lands Program in the southwestern states, including Arizona, Colorado, New Mexico, and Utah and the Federal Programs for Arizona, California and Washington. The Indian Program Branch is responsible for all permitting activity and compliance with NEPA, Section 7 of the ESA and Section 106 of NHPA on Indian lands in the Southwest and in the State of Washington.

The Field Operations Branch is responsible for administering the Federal Lands Program in the Western Region through Federal lands cooperative agreements with Colorado, Montana, New Mexico, North Dakota, Utah, and Wyoming. The Field Operations Branch assists the Hopi Tribe and Navajo Nation with development and implementation of their tribal regulatory programs and oversees the Navajo Nation, Hopi Tribe, Alaska and New Mexico abandoned mined lands programs and the Alaska and New Mexico regulatory programs.

The Inspection Team is responsible for all inspection, enforcement and bond release activities on Indian lands and in the State of Washington and assisting with oversight inspections in Alaska and New Mexico.

Denver Field Division

The Denver Field Division is composed of two branches—Denver Field Branch (DFB) and Casper Area Office (CAO). DFD provides regulatory oversight of over half the national coal production, direct regulation on Indian Lands, program amendment processing, and other major program tasks.

Casper Area Office provides oversight for 8 state/tribal programs. CAO is the regulatory authority for both Federal and Indian Lands in the North Western United States. The CAO processes grants, reviews program amendments, and conducts both regulatory and oversight inspections, conducts NEPA on major permitting actions, and permits mines on Indian Lands.

DFB is responsible for oversight of two State Regulatory programs and two State AML programs including inspection and enforcement activities and grants processing; administration of the Federal Reclamation Program in the WR; processing of state program amendments; civil penalty assessments; civil penalty assessment conferences and TDN appeals. In addition, DFB provides regulatory and AML program expertise for national rulemaking efforts and participates on national teams.

Technical Management Division

The Technical Management Division (TMD) provides leadership, program direction, management, and administrative and financial services in support of the National Technical Innovation and Professional Services (TIPS) program. In addition, TMD responsibilities include: 1) national geospatial information services (GIS) and remote sensing imagery supporting GeoMine technologies and initiatives; 2) information technology operations supporting the WR and TIPS; 3) technology transfer support for the WR, states, tribes and other OSMRE offices; and 4) administrative support for the WR. TMD is unique to OSMRE in its responsibility to provide both National and Regional services necessitating coordination and collaboration across all offices within OSMRE and with SMCRA state and tribal partners. TMD is organized into three branches: the TIPS Technology and Training Services Branch (TTSB); the TIPS Geospatial Information Services Branch (GISB), and the Program Services Branch (PSB). In the aggregate, TMD employees offer expert services in geospatial information systems (GIS), engineering, remote sensing, geology, hydrology, information technology (IT), technical training, financial management and property management.

Critical Issues

Tribal Primacy

The Navajo Nation is actively seeking tribal primacy to regulate surface coal mining and reclamation operations on reservation lands under their jurisdiction and anticipates formally submitting a proposed Navajo regulatory program in September 2015. On the effective date of approval of the Navajo regulatory program by the Secretary, the Navajo Nation will be responsible for the regulation of surface coal mining and reclamation operations. OSMRE will be responsible for enforcing criminal actions associated with surface coal mining and reclamation operations on Navajo regulatory program lands under SMCRA.

Similarly, the Crow Tribe is actively seeking tribal primacy to regulate surface coal mining and reclamation operations on reservation lands under their jurisdiction. Initially, they would assume primacy for inspection, enforcement, and exploration—followed by primacy for permitting at a later date. The Crow Tribe anticipates formally submitting a proposed Crow regulatory program in April 2015.

The WR anticipates a significant workload over the next 3-5 years to ensure success of the Navajo and Crow tribal primacy initiatives. The process of assuming tribal primacy includes extensive involvement by the Western Region in providing technical and administrative support. This will include increased training of and technical assistance to Navajo Nation tribal staff to ensure that they are proficient at review and approval of new permit and permit applications and to both Tribes for conducting inspection and enforcement activities. The goal of this assistance is the development of a proficient regulatory program and to fulfill OSMRE's trust responsibilities to the Tribes. Once this occurs OSMRE can reduce involvement to levels similar to oversight in states with approved State Programs. It is important to note that in addition to the training and technical assistance to the Navajo Nation technical staff, OSMRE will remain responsible for ongoing permitting activity on the Crow and Hopi Reservations.

Litigation

An increased level of public concern with coal mining and its impact on the environment has resulted in increased FOIA requests and litigation, which has significantly increased workload for Western Region over the last several years. This has had a direct effect on the workload associated with permitting, and compliance with NEPA and Section 7 of the ESA. Specifically, the issues raised through public participation are increasingly more complex and require more detail of

analysis in our NEPA, resulting in complex EA's and EIS's that require additional time to prepare and, if necessary, develop mitigation plans for mine activities. Combined together, these activities have resulted in a considerable workload increase while staffing has remained level.

GeoMine

The GIS branch is responsible for mapping and imagery support to the Western Region and OSMRE nationwide. The GISB is the lead group for the national level OSMRE GIS through GeoMine. This system will allow for information and data to be readily accessed by all employees up and down the organization. GeoMine is designed using the concept of dynamic change; meaning that it can be modified or added to easily by an individual office or offices to meet changing needs internally and externally. We envision developing our systems in an integrated program approach, in real time with our resource program specialists and managers at the level of the organization where the work is done; creating a healthy/efficient work environment through enhanced integrated workflow and business models. These initiatives were hampered by numerous vacant positions in 2014, and the lack of congressional approval of the president's proposed budget, which requested funds for GeoMine.

National TIPS Training Program

Central to the business model established for TIPS is the ability for the National program capacity to be leveraged by enlisting the collaboration of over 60 additional OSMRE and SMCRA state staff to carry out its nationwide support as a collateral duty. The abilities of OSMRE Regions and SMCRA state programs to sustain this level of support are diminishing due to increased workload and reduced workforce (FTE). Development of on-line training courses would realize travel avoidance and opportunity cost savings by preventing the need for instructors and students to incur travel costs. The transition of appropriate TIPS and NTP courses to on-line instruction would realize significant cost savings; however, an additional FTE would be required to further this purpose.

WESTERN REGION Workload and Workforce Assessment

A. Name of Office	B. Program Area (Responsibility)	C. Number of Activities per year	D. Total FTE Needed to Perform Activity	E. Current FTE as 3/08/2015	F. Variance (Difference +/- between question D and E)	G. Impacts
1. WR	Regulatory Oversight of State/Tribal Programs <i>All programs require oversight (develop performance agreements/workplans, data collection from multiple sources, oversight inspections, field visits, program evaluation yearly reports, program amendments, etc.). All programs require grants processing (programmatic review associated with awards, amendments, annual performance reports, annual financial status reports, closeouts, etc.) Currently the allocated</i>	7 State programs	4.9	4.5	-4	<div style="background-color: black; color: red; padding: 2px;">(b) (5)</div>

	<i>number of FTE is sufficient to complete the Program Area Responsibility, in future OSMRE WRO expects additional workload associated with Tribal Regulatory Program Oversight requiring estimated 1.0 FTE</i>					
2. WR	AML Oversight of State/Tribal Programs <i>All programs require oversight (reporting, data collection from multiple sources, field visits, performance agreements, program evaluation yearly reports, program amendments, etc.) All programs require grants processing (programmatic review associated with awards, amendments, annual performance reports, annual financial status reports, closeouts, etc.) Assistance in developing, revising, and updating AML directives</i>	7 State programs, 3 tribal programs	3.6	3.2	-4	(b) (5)
3. WR	Inspection and	48 complete	8.0	6.7	-1.3	(b) (5)

	Enforcement <i>Regulatory program inspections, oversight inspections, bond release inspections, inspection reports, citizen complaints, etc. on Indian Lands and in Washington State. Direct Inspection roles will shift to Regulatory Oversight and Training inspection role as Navajo tribe assumes primacy. Direct Inspection still required for Hopi Tribal Lands</i>	inspections 88 partial inspections Approx. 35 bond release inspections 60 oversight inspections				(b) (5)
4. WR	Indian Lands Permitting <i>Team leader/permit coordination, cost recovery, technical reviews, bond estimates, CHIA development, decision documents, public meetings, litigation support, cost recovery accounting, maintenance of the Mine Plan Reference Center.</i> <i>Once Navajo Nation assumes full primacy</i>	average 80 permitting actions per year	11.3	8.4	-2.9	

	<i>staff will be training and supporting Navajo permitting staff for 3 to 5 years to ensure the success of the Tribe. OSMRE will continue to perform permitting activity on the Hopi Reservation and permitting on the Crow Reservation.</i>					
5. WR	Federal Program Permitting <i>Team leader/permit coordination, technical reviews, decision documents, public meetings, litigation support, bond estimates, CHIA development, cost recovery accounting, maintenance of the Mine Plan Reference Center.</i>	average 20 permitting actions per year	2.2	1.6	-0.6	(b) (5)

6. WR	Federal Lands <i>Mine information review and processing, mining plan decision document preparation, NHPA Section 106 consultation, coordination with states and other Federal agencies</i>	Approx.. 10 mining plans per year	2.3	2	-0.3	(b) (5)
7. WR	Federal Reclamation Program <i>Work associated with reclamation of priority 1 and 2 abandoned coal mines in states with AML programs.</i>	Various	0.5	0.5	0	(b) (5)
8. WR	Electronic Records System development, maintenance and scanning	Entire Mine Plan Reference Center	1.5	1.5	0	(b) (5)
9. WR	Technical Assistance to States, other OSM offices and Federal agencies <i>Cultural Resource/Archeology, ESA Section 7 consultation, Prime farmland, hydrology, bonding.</i>	Various	1.7	1.3	-0.4	(b) (5)
10. WR	Rulemaking/Other tasks <i>Stream Protection</i>	Various	3.2	2.7	-0.5	(b) (5)

	<i>Rulemaking, Temporary Cessation of Operations, OSM NEPA Policy, Oversight policy review, ICRs, GPRA, TIPS/NTTP teaching, Blasting Team and Blaster certification.</i>					
11. WR	NEPA Compliance <i>Coordination of activities associated with fulfilling requirements of National Environmental Policy Act (NEPA) for Federal Lands, Federal Program Permitting and Indian Lands</i>	Various, but at a minimum for all mining plans and significant permitting actions	2.2	1.5	-0.7	(b) (5)
12. WR	FOIA Coordination <i>Coordination of activities associated with fulfilling requirements of Freedom of Information Act (FOIA)</i>	various	0.5	0.5	0	(b) (5)
13. WR	ESA Section 7 Consultation <i>Preparing and reviewing Biological Assessments, managing project proponent contractors, preparing BAS, administering OSM commitments associated with Section 7 consultations, managing</i>	Various, but at a minimum for all mining plans and significant permitting actions	0.5	0.5	0	(b) (5)

	<i>consultation process with the USFWS, assisting states and other OSM offices.</i>					
14. WR	Technical Support – Bond Release and TOJ Applications <i>Assisting OSM inspectors with the evaluation and processing of Phase I, II and II applications and Termination of Jurisdiction applications, providing technical evaluations in support of decisions made on pending applications.</i>	Approx. 4 bond release applications per year	0.8	0.6	-0.2	(b) (5)
15. WR	State Program Amendments (formal and informal) <i>Coordination, Formal Proposed Rule (FPR), technical findings, Final Rule Notice (FRN), filing, mailings..</i>	8 5 formal amendments and 3 informal amendments	2	1.6	-.4	(b) (5)
16. WR	Civil Penalty Assessments; Assessment Conferences & TDN Appeals	Various	.3	.3	0	(b) (5)
17. WR	Administration <i>Budget/FBMS, property,</i>	various	7	6	-1	(b) (5)

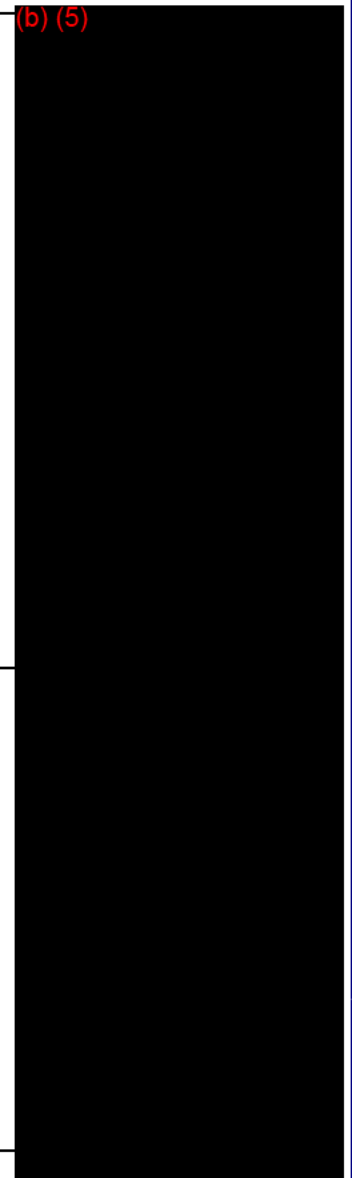
	<i>procurement, records management, training coordinator, vehicle maintenance tracking/usage, time and attendance, mail, telecom, safety, travel, HR support, etc.</i>				
18. WR	Tribal Primacy <i>FTE will be applied to regulatory oversight and other duties once detail is completed.</i>	2 primacy applications, review of informal submissions	2	2	0
19. WR	Program Management - Supervision	Various, management of staff members	10	9	-1.0
20. WR	National TIPS Software and Hardware and Support by Subject Matter Experts <i>(covering over 24,000 user sessions annually in the 30 TIPS software applications in Hydrology, Geology, Engineering, CAD, GIS, Mobile Computing, and Remote Sensing, and associated user support ; loan of over 40 technical devices (including</i>	Over 24,000 user software sessions and support	4.0	2.25	-1.75

(b) (5)

(b) (5)

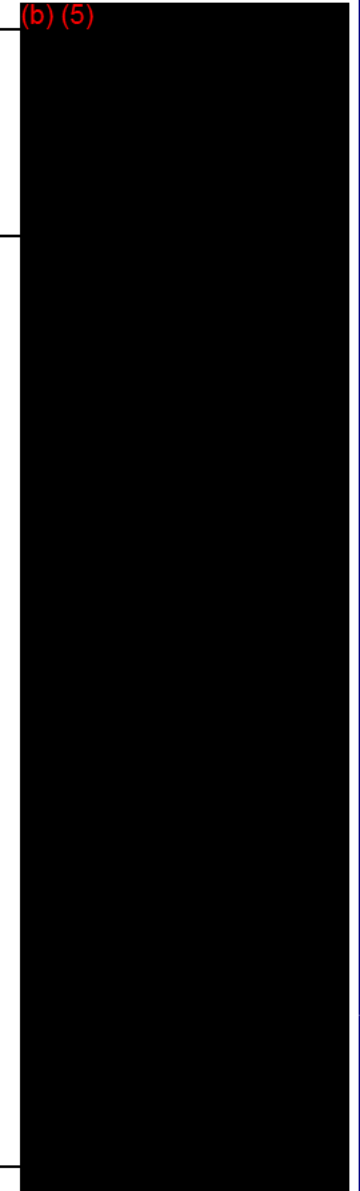
	<i>downhole and infrared cameras, GPS units, and gas meters) and associated user support.</i>				
21. WR	TIPS Software License Management (30 Software applications), WR TIPS software installation and testing support, and WR Training Center IT support, WR COOP and Emergency Preparedness	300 installs for usage and testing	2.0	2.0	0

(b) (5)



22. WR	National TIPS Training Program Administration and Support Training 379 students in 24 instructor-led classes and 73 in six on-line classes	452 students	5.0	3.2	-1.8

(b) (5)



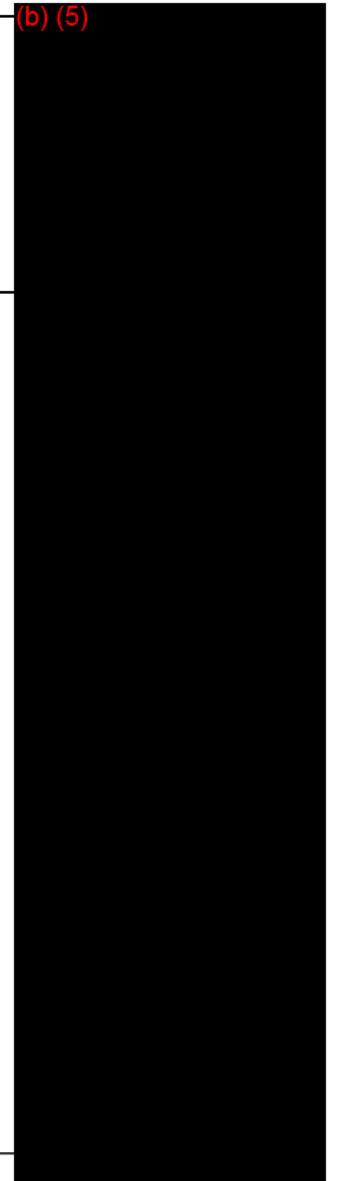
23. WR	OSMRE National Technology Library Services	600 requests for information	1.0	1.0	0.0
24. WR	WR Technology Transfer Support and Youth Initiative Support	5 Tech Transfer and youth events	0.1	0.1	0.0
25. WR	WR Cooperative Agreement with Adams State University (ASU)	10 ASU/OSMRE employee activities	0.1	0.05	-0.05

(b) (5)



26. WR	<p>Western Region GIS / Geospatial products (mapping and data) <i>The Western region GIS supports over two dozen different teams. GIS data is developed for editing and analysis using an ESRI Spatial Data Engine database.</i></p> <p><i>Support for mine teams for NEPA, permitting and inspection activities.</i></p>	150	6.0	1.2	-4.8

(b) (5)



27. WR	<p>National Remote Sensing Program <i>The Western Region acquires panchromatic and multi-spectral satellite imagery for all OSMRE regions through our contract with DigitalGlobe.</i></p> <p><i>Analysis conducted with the imagery include vegetation analysis over bond release areas, volumetric calculations with derived stereo models.</i></p> <p><i>The Western Region also completed the Remote Sensing Pilot Project</i></p>	600	4.0	1.0	-3.0
28. WR	<p>Mission driven application development <i>The GIS Branch needs software development expertise to integrate</i></p>	Varies	1.0	0.0	-1.0

(b) (5)



	<i>existing data sources such as ARMS and eAMLIS into an enterprise GIS system.</i>				
29. WR	<p>GeoMine <i>The National GeoMine system is currently waiting for the DOI cloud and investment to take it beyond the pilot stage. The development under the Western Region GIS system has built on the GeoMine pilot project and is the foundation for the eventual rollout of GeoMine.</i></p> <p><i>The program will use web map applications to view nationwide datasets such as permit boundaries, AML projects</i></p>	200	5.0	0.5	-4.5

(b) (5)



						(b) (5)
30. WR	<p>ESRI software administration and TIPS training</p> <p><i>The GIS Branch handles the national program to support SMCRA states ESRI GIS licensing which includes license servers, version control and technical support.</i></p> <p><i>The GIS Branch also supports the TIPS program by training Intro to GIS, Advanced GIS, Mobile Computing and Imagery Processing.</i></p>	600	1.8	1.25	-0.55	(b) (5)
31. WR	<p>Grants/Agreements</p> <p><i>New grants each year for AML/REG Monitoring Reports and modifications, budget tracking and closeout reviews, milestone reporting</i></p>	200+	3.0	2.25	-0.75	(b) (5)

						(b) (5)
32. WR	Property and building maintenance and administration <i>National distribution and tracking of new and innovative technologies; fleet management and purchase; capitalized property for the WR, yearly inventory. Space allocation and phone services</i>	1100+	1.5	1.0	-0.5	(b) (5)
33. WR	National & WR Web Services <i>National SharePoint administration (Internal/External), OSMRE Intranet, WR-TIPS-SAIGE-ETC Websites</i> <i>3 sites maintained, 1 site development</i>	3 sites-maintained, 1 site developed, and 2 SharePoint implementations maintained. Over 300+ maintenance actions per year	3.0	1.9	-1.1	(b) (5)
34. WR	TMD Budget/WR & TMD and TIPS Procurements & software distribution <i>Purchasing and tracking of budget; funding and</i>	1,000+	3.0	1.7	-1.3	

	procurement of national software and items needed for daily operations to include IT refresh, supplies and equipment					(b) (5)
35. WR	National & WR Video Production	12	1.0	1.1	0.1	(b) (5)
36. WR	WR & National IT Support <i>IT Security, Incident Response, Tier 2/3 support</i>	500+	2.0	0.1	-1.9	(b) (5)

						(b) (5)
WR. 37	Budget, Personnel and Program Management. Responsible for preparing and managing the regional budget, coordinating personnel recruitment and performing programmatic functions pursuant to department and bureau compliance requirements.	Numerous	1	1	0	(b) (5)
WR. 38	Equal Employment	Numerous	1	1	0	(b) (5)

	Opportunity EEO provides advice and assistance to managers, EEO counselors and employees in the Western Region on affirmative action					(b) (5)
TOTAL			110	77	-33	

(Note: Add additional cells if needed.)

Biological Assessment
for the
Office of Surface Mining Reclamation and Enforcement
for
Federally Listed Threatened and Endangered Species
Species Proposed for Federal Listing

Prepared by:
U.S. Office of Surface Mining
Washington, D.C.

December 16, 2016



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Biological Assessment
for the
Office of Surface Mining Reclamation and Enforcement
for
Federally Listed Threatened and Endangered Species
Species Proposed for Federal Listing

Prepared by:
U.S. Office of Surface Mining
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6/19/2017

Section 7 Consultation and MOU – Outreach Plan and Tentative Schedule

June 5 –

(b) (5)

RE: Issues with current coordination process

***IMCC indicated their interest in being involved in the entire consultation process, including a review of all associated documents (MOU, Biological Assessment, Biological Opinion)**

June 7, 2017

(b) (5)

June 23 -

July 14 –

July 19 –

Confirmed meeting date with IMCC in St. Louis

Proposed Agenda:

- 1.
- 2.
- 3.
- 4.

(b) (5)

July 31 -

(b) (5)

August 4 –

September 1 –

October 6 -

October 16 –

October 30 -

(b) (5)

6/19/2017

November 13 – (b) (5)

November 30 – (b) (5)

Assumptions:

- (b) (5)
- 1.
 - 2.
 - 3.
 - 4.
 - 5.

(b) (5) Option

October 30 - Option: Publish Draft MOU and/or BiOP in FR with 60 day comment period.

December 29 – (b) (5)

January 26, 2018 – (b) (5)

February 9 - (b) (5)

February 26, 2018 – (b) (5)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



OCT 21 2005

Joseph M. Lovett, Executive Director
Appalachian Center for the Economy and the Environment
Post Office Box 507
Lewisburg, West Virginia 24901

Dear Mr. Lovett:

This letter is to inform you of the Department's final decision of the matters raised in your April 19, 2005, request that the Office of Surface Mining (OSM) inspect the Mettiki E Mine pursuant to section 517(h)(1) of the Surface Mining Control and Reclamation Act of 1977 (the Act) and the implementing regulations at 30 CFR. Part 842. For reasons set forth herein, OSM will not conduct an inspection.

Your request expresses dissatisfaction with decisions by the West Virginia Department of Environmental Protection (WVDEP) to issue permits which you allege may result in acid mine drainage. Specifically, you identify the recently-issued permit for the Mettiki E Mine and request an inspection "because the company plans to mine soon." In support of your request, you submitted material that is comprised ostensibly of documents and testimony from your appeal of WVDEP's decision to the West Virginia Surface Mine Board. In short, you are requesting OSM to review the permit decision of WVDEP with which you disagree.

SMCRA provides specific provisions in section 514 for seeking review of permit decisions. In this instance, because West Virginia has an approved state program, the appeal of the permit decision at issue here would lie under the state laws and regulations that West Virginia adopted to assume exclusive regulatory jurisdiction pursuant to section 503 of the Act. Section 517(h)(1) allows a person who is or may be adversely affected by a surface coal mining operation to request an inspection by providing written notification of a violation of the Act which that person "has reason to believe exists at the surface mine site." Your request does not provide any basis to conclude that a violation exists at the mine site. Rather, your request consists of your disagreements with findings made by WVDEP in reaching its decision that the permit application complies with applicable requirements of the West Virginia program.

A request for inspection under section 517(h)(1) is not an alternative avenue for seeking review of the regulatory authority's decision to issue a permit. If the permit decision here were one issued by OSM as the regulatory authority under a federal program, any objections would have to be raised and resolved through the specific appeal process pursuant to section 514. Section 514 expressly requires that any person adversely affected by a decision to approve a permit application request a hearing on the reasons for

the final determination within 30 days of notification of the final decision. Both the plain language of section 517(h)(1) and the specific procedures in section 514 for an appeal of a permit decision precludes one from simply recasting objections to a permit decision as a violation at a mine site in an attempt to collaterally attack a regulatory authority's decision to approve a permit application. Such an approach is impermissible since it would allow anyone dissatisfied with the decision of the regulatory authority, administrative review board, or a court to circumvent the appeal process established under the Act, including the express limitation periods for seeking such review.

Another aspect of the Act's statutory scheme precludes granting your request. West Virginia has been granted primacy under the Act, and therefore has exclusive jurisdiction over the regulation of surface coal mining operations within its borders. Section 503(a). As federal courts have repeatedly held, the Act's allocation of exclusive jurisdiction was "careful and deliberate" by providing for "mutually exclusive regulation by either the Secretary or the state, but not both." *Bragg v. West Virginia Coal Ass'n*, 248 F. 3d 275, 293-94 (4th Cir. 2001), cert. denied, 534 U.S. 1113 (2002); See also *Pennsylvania Federation of Sportmen's Clubs, Inc. v. Hess*, 297 F. 3d 310, 318 (3d Cir. 2002); *Haydo v. Amerikohl Mining Inc.*, 830 F. 2d 494, 497 (3d Cir. 1987).

In a primacy state, permit decisions and any appeals are solely matters of the state jurisdiction in which OSM plays no role. The role of the state and federal governments were explained by the U.S. Court of Appeals for the District of Columbia Circuit as follows:

[T]he state is sole issuer of permits. In performing this centrally important duty, the state regulatory authority decides who will mine in what areas, how long they may conduct mining operations, and under what conditions the operations will take place. It decides whether a permittee's techniques for avoiding environmental degradation are sufficient and whether the proposed reclamation plan is acceptable.

* * * *

Administrative and judicial appeals of permit decisions are matters of state jurisdiction on which the Secretary plays no role.

In re: Permanent Surface Mining Regulation Lit., 653 F. 2d 514, 519 (DC Cir 1981) (*en banc*) (herein after "Regulation Litig.").

In short, OSM does not possess concurrent or parallel jurisdiction over this matter. See *Pennsylvania Federation*, 297 F. 3d at 318. ("Exclusive, in other words, means just that.It doesn't mean 'parallel' or 'concurrent'"). OSM does not retain "veto" authority over state permit decisions. *Regulation Litig.*, 653 F. 2d at 519 n. 7. Accord *Bragg*, 248 F. 3d at 295. OSM intervention at any stage of the state permit review and appeal process would in effect terminate the state's exclusive jurisdiction over the matter and frustrates the careful and deliberate statutory design. See *Bragg*, 248 F. 3d at 295. It would

encourage persons dissatisfied with state decisions to circumvent the very state laws and procedures that the Act insists states enact and maintain in order to exercise exclusive regulatory jurisdiction. The statutory design requires citizens in primacy states to pursue their claims under the procedures and in the forums established under the state laws enacted to obtain primacy.

This matter demonstrates the very concerns just expressed about circumventing the deliberate statutory scheme. You initially appealed the WVDEP permit decisions to the West Virginia Surface Mining Board. After the decision was left intact, you appealed to the circuit courts of West Virginia. Later, you filed a request with OSM for an inspection, and informed OSM that your appeal to the state circuit court was in the process of being voluntarily dismissed. As we explained earlier, such an approach conflicts with the Act in two ways. First, it would allow persons dissatisfied with a permitting decision to circumvent the specific appeal process set forth in the Act for permit decisions. Those dissatisfied with a regulatory authority's decision to approve a permit application could then pick and choose where and when to contest such a decision without regard to the specific procedure, forum and limitation period established under the Act. Second, where the decision in question is issued by a primacy state, it would conflict with the federalism established under the Act by allowing OSM to commandeer the state permit review and appeal process whenever a person forgoes the right to appeal a permit decision or, as is the case here, abandons an administrative or judicial appeal under state law. In sum, the Act does not provide for alternative avenues or forums for seeking relief from a permit decision.

The Charleston Field Office (CHFO) issued a ten-day notice (TDN) to WVDEP upon receipt of your request. WVDEP responded to the TDN by asserting that OSM cannot issue a TDN in such circumstances because it would be tantamount to allowing a federal appeal of a state permit decision. WVDEP also explained why the permit decision conformed to applicable requirements under state law. The CHFO proceeded to undertake a protracted three-month review of the state permit and then concluded that it would conduct an inspection. However, the CHFO apparently recognized that the nature and circumstances of your request did not fit comfortably within the scope of section 517(h)(1) and 521(a)(1) of the Act since, according to the CHFO, "the federal inspection process will be somewhat different from that normally occurring after an inappropriate response determination." Rather than conducting an on-the-ground inspection of the mine site, the CHFO stated that it would evaluate further available information concerning the permit including consulting anyone else having relevant information. WVDEP sought informal review of the CHFO determination under 30 CFR 842.11.

The Regional Director of OSM's Application Region is informing WVDEP that the CHFO erred in issuing the TDN for reasons consistent with this final response to your request for an inspection.

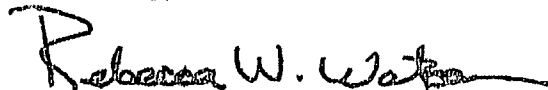
Your complaint of April 19th states that the Mettiki E Mine, as permitted, will violate water quality standards established under the Clean Water Act. Neither surface water quality standards nor effluent limitations apply to ground water, including mine pools.

Should this mine have post-mining surface discharges into waters of the U.S. or of the state of West Virginia, they would be subject to applicable effluent limitations and surface water quality standards in accordance with the State counterpart to 30 CFR 817.42. However, the Mettiki E Mine will not have a post-mining gravity discharge to the surface.

The only water to leave the mine pool after mining will be groundwater, primarily reaching the abandoned Dobbin mine, with the possibility of some reaching the abandoned Alpine mine. The applicable standard for such groundwater flow is the State counterpart to 30 CFR 817.41(a). Further, such flow will not necessarily make Mettiki responsible for meeting effluent limitation at any existing discharges from those mines. There is no basis in the Secretary's regulations for the term "SMCRA discharge" as used and characterized by the CHFO in its letter of September 15th to WVDEP. Responsibility and accountability for establishing applicable standards and accountable parties for existing surface discharges at other mines falls within the CWA authority.

This decision to not conduct an inspection as requested in your letter of April 19, 2005, constitutes the final decision of the Department of the Interior.

Sincerely,

A handwritten signature in black ink that reads "Rebecca W. Watson". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Rebecca W. Watson
Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



OCT 21 2005

Joseph M. Lovett, Executive Director
Appalachian Center for the Economy and the Environment
Post Office Box 507
Lewisburg, West Virginia 24901

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[T]he state is sole issuer of permits. In performing this centrally important duty, the state regulatory authority decides who will mine in what areas, how long they may conduct mining operations, and under what conditions the operations will take place. It decides whether a permittee's techniques for avoiding environmental degradation are sufficient and whether the proposed reclamation plan is acceptable.

* * * *

Administrative and judicial appeals of permit decisions are matters of state jurisdiction on which the Secretary plays no role.

In re: Permanent Surface Mining Regulation Lit., 653 F. 2d 514, 519 (DC Cir 1981) (*en banc*) (herein after "Regulation Litig.").

In short, OSM does not possess concurrent or parallel jurisdiction over this matter. See *Pennsylvania Federation*, 297 F. 3d at 318. ("Exclusive, in other words, means just that.It doesn't mean 'parallel' or 'concurrent'"). OSM does not retain "veto" authority over state permit decisions. *Regulation Litig.*, 653 F. 2d at 519 n. 7. Accord *Bragg*, 248 F. 3d at 295. OSM intervention at any stage of the state permit review and appeal process would in effect terminate the state's exclusive jurisdiction over the matter and frustrates the careful and deliberate statutory design. See *Bragg*, 248 F. 3d at 295. It would

encourage persons dissatisfied with state decisions to circumvent the very state laws and procedures that the Act insists states enact and maintain in order to exercise exclusive regulatory jurisdiction. The statutory design requires citizens in primacy states to pursue their claims under the procedures and in the forums established under the state laws enacted to obtain primacy.

This matter demonstrates the very concerns just expressed about circumventing the deliberate statutory scheme. You initially appealed the WVDEP permit decisions to the West Virginia Surface Mining Board. After the decision was left intact, you appealed to the circuit courts of West Virginia. Later, you filed a request with OSM for an inspection, and informed OSM that your appeal to the state circuit court was in the process of being voluntarily dismissed. As we explained earlier, such an approach conflicts with the Act in two ways. First, it would allow persons dissatisfied with a permitting decision to circumvent the specific appeal process set forth in the Act for permit decisions. Those dissatisfied with a regulatory authority's decision to approve a permit application could then pick and choose where and when to contest such a decision without regard to the specific procedure, forum and limitation period established under the Act. Second, where the decision in question is issued by a primacy state, it would conflict with the federalism established under the Act by allowing OSM to commandeer the state permit review and appeal process whenever a person forgoes the right to appeal a permit decision or, as is the case here, abandons an administrative or judicial appeal under state law. In sum, the Act does not provide for alternative avenues or forums for seeking relief from a permit decision.

The Charleston Field Office (CHFO) issued a ten-day notice (TDN) to WVDEP upon receipt of your request. WVDEP responded to the TDN by asserting that OSM cannot issue a TDN in such circumstances because it would be tantamount to allowing a federal appeal of a state permit decision. WVDEP also explained why the permit decision conformed to applicable requirements under state law. The CHFO proceeded to undertake a protracted three-month review of the state permit and then concluded that it would conduct an inspection. However, the CHFO apparently recognized that the nature and circumstances of your request did not fit comfortably within the scope of section 517(h)(1) and 521(a)(1) of the Act since, according to the CHFO, "the federal inspection process will be somewhat different from that normally occurring after an inappropriate response determination." Rather than conducting an on-the-ground inspection of the mine site, the CHFO stated that it would evaluate further available information concerning the permit including consulting anyone else having relevant information. WVDEP sought informal review of the CHFO determination under 30 CFR 842.11.

The Regional Director of OSM's Application Region is informing WVDEP that the CHFO erred in issuing the TDN for reasons consistent with this final response to your request for an inspection.

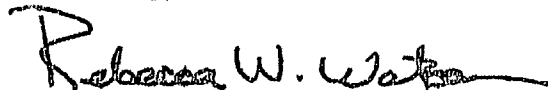
Your complaint of April 19th states that the Mettiki E Mine, as permitted, will violate water quality standards established under the Clean Water Act. Neither surface water quality standards nor effluent limitations apply to ground water, including mine pools.

Should this mine have post-mining surface discharges into waters of the U.S. or of the state of West Virginia, they would be subject to applicable effluent limitations and surface water quality standards in accordance with the State counterpart to 30 CFR 817.42. However, the Mettiki E Mine will not have a post-mining gravity discharge to the surface.

The only water to leave the mine pool after mining will be groundwater, primarily reaching the abandoned Dobbin mine, with the possibility of some reaching the abandoned Alpine mine. The applicable standard for such groundwater flow is the State counterpart to 30 CFR 817.41(a). Further, such flow will not necessarily make Mettiki responsible for meeting effluent limitation at any existing discharges from those mines. There is no basis in the Secretary's regulations for the term "SMCRA discharge" as used and characterized by the CHFO in its letter of September 15th to WVDEP. Responsibility and accountability for establishing applicable standards and accountable parties for existing surface discharges at other mines falls within the CWA authority.

This decision to not conduct an inspection as requested in your letter of April 19, 2005, constitutes the final decision of the Department of the Interior.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca W. Watson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rebecca W. Watson
Assistant Secretary,
Land and Minerals Management

The White House
Presidential Personnel Office
SKC/SES BIO SHEET

This information is necessary to begin the clearance process. Return to White House Liaison when completed.

PART I: PERSONAL INFORMATION (TO BE COMPLETED BY THE CANDIDATE)

1. FULL NAME (Last, First, Middle):

Landon Tucker Davis

2. SOCIAL SECURITY NUMBER:

(b) (6)

3. CURRENT RESIDENTIAL ADDRESS (Number, Street, City, State, ZIP Code)

(b) (6)

4. VOTING ADDRESS IN 2016 (Number, Street, City, State, ZIP Code, if different than current address)

(b) (6)

5. PLACE OF BIRTH (City, State; if not U.S., state, country)

(b) (6)

6. GENDER

Male

7. DATE OF BIRTH

(b) (6)

8. ETHNIC HERITAGE

(b) (6)

9. RACE

(b) (6)

10. POLITICAL PARTY

(b) (6)

11. HOME PHONE

(b) (6)

12. CELL PHONE

(b) (6)

13. WORK PHONE

14. PERSONAL EMAIL

(b) (6)

15. WORK EMAIL

landon_davis@ios.doi.gov

16. CURRENT POSITION (Title, Company)

Special Assistant to the Secretary, U.S. Department of the Interior

17. WORK ADDRESS (Number, Street, City, State, Zip)

1849 C Street, NW, Washington, DC, 20240

18. PLEASE LIST ALL SOCIAL MEDIA ACCOUNTS (Or say none if you have none)

(b) (6)

(b) (6)

19. EDUCATION (Degree, Institution, Year)

Bachelor of Science, Radford University, 2013

20. AWARDS

(b) (6)

21. MILITARY SERVICE (Rank, Branch, Years)

(b) (6)

22. PREVIOUS PRESIDENTIAL APPOINTMENTS

(b) (6)

PART II: POSITION INFORMATION (TO BE COMPLETED BY WHITE HOUSE LIAISON)

1. POSITION TITLE

2. AGENCY

2. APPOINTMENT TYPE

3. GRADE

4. OPM NUMBER

5. WH LIAISON NAME

6. WH LIAISON PHONE

7. WH LIAISON EMAIL

Landon Tucker Davis

(b) (6)

(b) (6)

(b) (6)

(b) (6)

Education:

Radford University, Radford, VA--May 2013

Bachelor of Science in **Journalism**

Work Experience:

58th Presidential Inaugural Committee Office of the Public Liaison

General Liaison/Diversity Outreach

Dec. 2016-Jan 2017

Salary: \$(b) (6)

Donald J. Trump for President, Inc.

Oct 2015- Novr 2016

Salary: \$(b) (6)

- **Virginia State Field Director**

Directed GOTV operations, direct mail, volunteer recruitment and public endorsements for the campaign which led to a resounding victory in the March 1 primary.

- **West Virginia State Director**

Recruited delegates for the Republican National Convention, implemented GOTV plan to elect delegates and secured a resounding victory for Mr. Trump in the May 10 primary. Secured the West Virginia Coal Association endorsement (the first endorsement made during a primary).

- **Virginia Deputy State Director**

Managed GOTV operations with grassroots activists/party officials as well as federal, state and local elected officials. Organized an energy policy roundtable with Mr. Trump and local coal operators/business owners.

Americans for Prosperity- Virginia

Regional Director

May 2015-Aug. 2015

Salary: \$(b) (6)

- Built grassroots relationships for the state chapter with political, business, media and community leaders.
- Mobilized and educated grassroots activists on issues within the organization's mission.
- Utilized activists to become involved in AFP volunteer phone banking, door-to-door canvassing, and neighborhood events on state-based policy initiatives.

Ed Gillespie for Senate

Jan. 2014-Nov. 2014

Regional Director

Salary: \$(b) (6)

- Directed get-out-the-vote and convention operations in Virginia's 5th, 6th and 9th Congressional Districts.
- Worked with state and local elected officials as well as congressional campaigns to implement GOTV strategy while meeting each region's own specific needs.
- Prepared and disseminated talking points to key leaders regarding relevant issues of the campaign.
- Represented candidate at various community events (Rotary clubs, chambers of commerce and trade associations).

**Nick Rush for Delegate
Campaign Manager**

May 2013-Nov. 2013
Salary: \$(b) (5)

- Performed day-to-day management of incumbent's House of Delegates campaign.
- Lead extensive mail program while directing campaign strategy with earned media and get-out-the-vote efforts.
- Developed and maintained relationships with donors and constituents.
- Drafted press releases for local and state media.
- Developed copy for collateral material and web content (brochures, direct mail, Facebook and Twitter).

**Faces of Coal/Count on Coal
Outreach Director**

June 2012- April 2013
Salary: \$(b) (6)

- Coordinated issue advocacy, earned media, event management, and coalition building.
- Represented organization at various trade shows and conferences.
- Worked to plan, organize and implement special events ranging from 2,000- 8,000 attendees.
- Maintained relationships with legislators, staff members, civic groups and business leaders.
- Coordinated volunteer operations for community events.
- Compiled data for funder reports, press packets and directed letters to the editor campaigns.

Clubs and Organizations:

Big Sandy Soil and Water Conservation Board, Director
Frederick Douglass Foundation
10th Amendment Foundation
Honorable Order of Kentucky Colonels
Appalachian Events Committee, Radford University
Republican Party of Buchanan County
Buchanan County Humane Society
Student Government Association, Southwest Virginia Community College

References:

(contact information available upon request)

Ed W. Gillespie
Rep. Morgan Griffith
Virginia State Sen. Bill Carrico
Virginia Delegate Todd Pillion
Virginia Delegate Chris Head
Virginia Delegate Nick Rush
Virginia Delegate Terry Kilgore
West Virginia State Sen. Mark Maynard
Jerry Mullins, Vice President, National Mining Association
Jerry W. Kilgore, Fmr. Attorney General of Virginia
Jim Bunn, Fmr. President West Virginia Coal Association
John K. Matney, Fmr. President Rapoca Coal Company
John Raese, President and CEO of Greer Industries
Petrina Jones, Fmr. Executive Director, FACES of Coal- Virginia
Terry Headly, Executive Director, American Coal Council
Sandy Liddy Bourne, General Manager, George Allen Strategies
Donnie Ratliff, Fmr. Vice President of External Affairs, Alpha Natural Resources
Danny Smith, Fmr. Senior Vice President of Energy and Property, Norfolk Southern
Harry Childress, President, Virginia Coal and Energy Alliance